



Sen. John J. Millner

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LRB096 10483 ASK 22868 a

1 AMENDMENT TO SENATE BILL 1375

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1375 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Crane  
5 Licensing Public Safety Act.

6 Section 5. Legislative purpose. The General Assembly finds  
7 that in order to promote job safety and to protect life, limb,  
8 and property, the operation of crane and hoisting equipment is  
9 a matter of public interest. It is further declared to be a  
10 matter of public interest that the operation of cranes and  
11 hoisting equipment used in the performance of construction,  
12 renovation, and demolition should merit and receive the  
13 confidence of the public and that the State of Illinois should  
14 license persons who operate or assist in the operation of crane  
15 and hoisting equipment. This Act should be liberally construed  
16 to carry out these subjects and purposes.

1       Section 10. Definitions. For the purposes of this Act,  
2 unless the context otherwise requires:

3       "Articulating crane" or "knuckle-boom crane" means a crane  
4 on which the boom consists of a series of folding, pin  
5 connected structural members, typically manipulated to extend  
6 or retract by power from hydraulic cylinders.

7       "Board" means the Crane Operators Licensing Board.

8       "Boom" means an inclined spar, strut, or other long  
9 structural member which supports the upper hoisting tackle on a  
10 crane or derrick. Typically, the length and vertical angle of  
11 the boom can be varied to achieve increased height or height  
12 and reach when lifting loads. Booms can usually be grouped into  
13 general categories of hydraulically extendible, cantilevered  
14 type, latticed section, cable supported type or articulating  
15 type. On tower cranes, if the principle horizontal structure is  
16 fixed, it is referred to as a jib; if it is moveable up and  
17 down, it is referred to as a boom.

18       "Crane" means any hoisting equipment that can lift, rotate,  
19 or move a suspended load in excess of 10,000 pounds, unless  
20 otherwise specified in this Act, horizontally or vertically,  
21 unless otherwise specified under this Act, including, but not  
22 limited to, hydraulic cranes, friction cranes, derricks, jib  
23 hoists, gantry, bridge cranes, floating cranes of any kind,  
24 articulating or knuckle-boom, crawler cranes, mobile cranes  
25 such as wheel mounted, rough-terrain, all-terrain, truck

1 mounted, carry deck, and mini-cranes, air-borne hoisting  
2 equipment, and tower cranes.

3 "Department" means the Department of Financial and  
4 Professional Regulation.

5 "Derrick" means an apparatus consisting of a mast or  
6 equivalent member held at the head by guys or braces, with or  
7 without a boom, for use with a hoisting mechanism and operating  
8 ropes.

9 "Electric line truck" means a truck used to transport  
10 workers, tools, and materials and to serve as a traveling  
11 workshop for electric power line construction and maintenance  
12 work. Electric line trucks are sometimes equipped with a boom  
13 and auxiliary equipment for setting poles, digging holes, and  
14 elevating material or workers, including service trucks with  
15 mobile lifting devices designed specifically for use in the  
16 power line and electric service industries, such as digger  
17 derricks, when used for auguring holes to set power and utility  
18 poles or handling associated materials to be installed or  
19 removed from utility poles.

20 "Hoist" means and includes a material hoist (construction  
21 elevator), air tugger (one drum), multi-drum hoist, overhead  
22 hoist, sideboom, A-frame boom truck, or behind the cab truck  
23 mounted boom.

24 "Long boom" means a boom of a crane with or without any jib  
25 or extension that exceeds 90 feet when the crane is in  
26 operation.

1 "Luffing jib" means an attachment to the main boom of a  
2 crane that can be raised or lowered independently of the main  
3 boom to change the horizontal reach of the crane.

4 "Mini-crane" means a small self propelled crane designed to  
5 lift, rotate, or move a suspended load in excess of 500 pounds  
6 horizontally or vertically by using cables that run  
7 unencumbered over the boom or jib sheave.

8 "Overhead crane" means overhead or bridge cranes,  
9 semi-gantry, cantilever gantry, wall cranes, storage bridge  
10 cranes, launching gantry cranes, and similar equipment,  
11 irrespective of whether it travels on tracks, wheels, or other  
12 means.

13 "Person" means an individual, partnership, corporation,  
14 business trust, limited liability company, or other legal  
15 entity.

16 "Qualified person" means a person who, by possession of a  
17 recognized degree, certificate, or professional standing or  
18 who, by extensive knowledge, training, and experience, has  
19 successfully demonstrated the ability to solve or resolve  
20 problems relating to the subject matter, the work, or the  
21 project. "Qualified person" includes crane operators licensed  
22 under this Act.

23 "Secretary" means the Secretary of Financial and  
24 Professional Regulation.

25 "Technician" means a crane manufacturer's trained  
26 representative or a person trained by a crane manufacturer for

1 that type of crane.

2 "Tower crane" means any fixed jib, hammerhead, luffing  
3 boom, or self-erecting or pedestal crane that can lift, rotate,  
4 or move a suspended load in excess of 1,000 pounds horizontally  
5 or vertically.

6 "Trailer crane" means a crane that is designed to be towed  
7 behind another vehicle, is unable to travel with a suspended  
8 load under it's own power, and is designed to lift, rotate, or  
9 move a suspended load in excess of 500 pounds horizontally or  
10 vertically by using cables that run unencumbered over the boom  
11 or jib sheave.

12 Section 15. License required; application of Act.

13 (a) Beginning January 1, 2011, it shall be unlawful for a  
14 person to operate a power-driven crane or hoist used in the  
15 performance of construction, renovation, or demolition without  
16 first obtaining a crane operator's license from the Department.  
17 This Act shall only apply to the operation of a crane for  
18 construction, renovation, or demolition projects where a  
19 permit is required from a local, State, or federal government  
20 body, department, or agency before work may commence or the  
21 operation of a crane for any construction, renovation, or  
22 demolition of a public road.

23 (b) Beginning January 1, 2011, it shall be unlawful for a  
24 person to assist in the operation of a power-driven crane or  
25 hoist used in the performance of construction, renovation, or

1 demolition without first obtaining an apprentice crane  
2 operator's license from the Department.

3 (c) The provisions of this Act do not apply to operators of  
4 powered industrial forklift trucks, pallet trucks, rider  
5 trucks, fork trucks, lift trucks, or telehandlers.

6 (d) The provisions of this Act do not apply to equipment  
7 involved in grading, drainage, field tile, or irrigation.

8 (e) The provisions of this Act do not apply to activities  
9 connected with agriculture or farming, other than  
10 construction, renovation, and demolition.

11 (f) The provisions of this Act do not apply to the  
12 operation of a crane or a hoist under the jurisdiction of the  
13 United States.

14 (g) The provisions of this Act do not apply to the  
15 operation of a crane or hoist used in a manufacturing or  
16 fabrication operation in a permanent location.

17 (h) The provisions of this Act do not apply to the  
18 operation of an electric line truck.

19 (i) The provisions of this Act do not apply to any  
20 signalmen or riggers.

21 (j) The provisions of this Act do not apply to equipment  
22 originally designed as a vehicle-mounted aerial device for  
23 lifting personnel and self propelled elevating platforms.

24 (k) The provisions of this Act do not apply to equipment  
25 that hoists by using a come-a-long or chainfall.

26 (l) The provisions of this Act do not apply to a mechanic's

1 truck with a hoisting device when used in activities related to  
2 equipment maintenance and repair.

3 (m) The provisions of this Act do not apply to hydraulic  
4 jacking systems.

5 (n) The provisions of this Act do not apply to automotive  
6 wreckers and tow trucks when used to clear wrecks and haul  
7 vehicles.

8 Section 20. Qualifications for original crane operator's  
9 license. A person is qualified to obtain an original crane  
10 operator's license under this Act if he or she meets all of the  
11 following requirements:

12 (1) Is at least 21 years of age and has submitted a  
13 certified record showing at least 1,000 hours of crane  
14 operation or related experience in the 5-year period  
15 preceding his or her application.

16 (2) Has not violated any of the provisions of this Act  
17 for which disciplinary action could be taken.

18 (3) Has passed a written examination prescribed by the  
19 Board.

20 (4) Has passed a practical examination prescribed by  
21 the Board.

22 (5) Has taken and passed a United States Department of  
23 Transportation drug test in the 90 days immediately  
24 preceding his or her application.

25 (6) Has submitted proof of a current United States

1 Department of Transportation physical.

2 (7) Does not have a crane operator's license or crane  
3 operator's apprentice license that is currently revoked or  
4 suspended by the Board or by the comparable licensing body  
5 in another jurisdiction.

6 Section 25. Qualifications for crane operator's apprentice  
7 license. A person is qualified to obtain a crane operator's  
8 apprentice license under this Act if he or she meets all of the  
9 following requirements:

10 (1) Is at least 18 years of age.

11 (2) Has passed a written examination as prescribed by  
12 the Board.

13 (3) Has not violated any of the provisions of this Act  
14 for which disciplinary action could be taken.

15 (4) Has taken and passed a United States Department of  
16 Transportation drug test in the 90 days immediately  
17 preceding his or her application.

18 (5) Has submitted proof of a current United States  
19 Department of Transportation physical.

20 (6) Does not have a crane operator's license or crane  
21 operator's apprentice license that is currently revoked or  
22 suspended by the Board or by a comparable licensing body in  
23 another jurisdiction.

24 Section 30. Application for original crane operator's

1 license.

2 (a) Applications for original licenses shall be made to the  
3 Department in writing on forms prescribed by the Board and  
4 shall be accompanied by the required fee, which shall not be  
5 returnable. The application shall require the information  
6 that, in the judgment of the Board, will enable the Department  
7 to pass on the qualifications of the applicant for a license.

8 (b) The Department may authorize the examination of  
9 applicants at any time and place that it may determine. The  
10 Department shall make reasonable efforts to provide testing  
11 sites reflecting the geographical distribution of applicants'  
12 residences. The Department may only contract with joint  
13 apprenticeship and training committees operated under the  
14 federal Labor Management Relations Act for the conducting and  
15 administering of written and practical exams of applicants,  
16 except that the Department may contract with public utilities  
17 for conducting and administering written and practice exams of  
18 applicants in their employment. The examination of applicants  
19 shall be of a character to give a fair test of the  
20 qualifications of the applicant to practice. The Department may  
21 employ consultants for the purpose of preparing and conducting  
22 examinations.

23 (c) Applicants for examination shall be required to pay,  
24 either to the Department or the designated testing service, a  
25 fee covering the cost of providing the examination. If an  
26 applicant neglects, fails, or refuses to take an examination or

1 fails to pass an examination for a license under this Act  
2 within 3 years after filing his or her application, the  
3 application is denied. However, the applicant may thereafter  
4 make a new application accompanied by the required fee.

5 (d) Crane operator's licenses shall be valid for a period  
6 of 5 years.

7 Section 35. License classifications.

8 (a) The Department may issue various classes of licenses  
9 reflecting the different levels of competency of a crane  
10 operator. The classification of licenses shall include all of  
11 the following:

12 (1) Tower crane operator's license. This license shall  
13 authorize the operation of tower cranes and derricks  
14 operated from a fixed location within, attached to, or  
15 adjacent to the building undergoing construction, repair,  
16 or demolition. Classes of tower crane operator's license  
17 shall include all of the following:

18 (A) Stationary tower cranes.

19 (B) Self-erecting or mobile.

20 (2) Mobile crane operator's license. This license  
21 shall authorize the operation of mobile cranes regardless  
22 of mounting or means of mobility, including track-mounted  
23 cranes, crawler cranes, truck-mounted cranes. Classes of  
24 mobile crane operator's license shall include all of the  
25 following:

1 (A) Friction crawler and truck with a lattice boom  
2 of 90 feet or less without luffing jib.

3 (B) Hydraulic lattice boom crawler and truck with a  
4 boom of 90 feet or less without luffing jib.

5 (C) All hydraulic cranes with a telescoping boom of  
6 90 feet or less without luffing jib.

7 (D) Any mobile crane with a long boom or luffing  
8 jib.

9 (3) Boom truck operator's license. This license shall  
10 authorize the operation of boom trucks regardless of  
11 mounting or means of mobility. Classes of boom truck  
12 operator's license shall include all of the following:

13 (A) Boom truck.

14 (B) A-frame.

15 (C) Hydraulic sign truck.

16 (D) Articulating or knuckle-boom.

17 (4) Overhead crane operator's license. This license  
18 shall authorize the operation of overhead trolley type  
19 cranes.

20 (5) Derrick crane operator license. This license shall  
21 authorize the operation of derrick cranes regardless of  
22 mounting or mobility. Classes of derrick crane operator  
23 license shall include the following:

24 (A) Stiff leg.

25 (B) Guy.

26 (6) Mini-crane and trailer crane operator license.

1 This license shall authorize the operation of mini-cranes  
2 and trailer cranes.

3 (7) Apprentice crane operator's license. This license  
4 shall authorize an individual for the performance of work  
5 as an apprentice crane operator under the direct  
6 supervision of a licensed crane operator.

7 (b) While operating a crane or hoist under this Act, an  
8 apprentice shall be continuously supervised by a licensed crane  
9 operator and follow each of the following requirements:

10 (1) For equipment other than tower cranes, the licensed  
11 crane operator and the apprentice shall be in the direct  
12 line of sight of each other and shall communicate verbally  
13 or by hand signals. For tower cranes, the operator and the  
14 apprentice shall be in direct communication with each  
15 other.

16 (2) The apprentice shall be supervised by the crane  
17 operator at all times, except for short breaks where the  
18 following circumstances exist:

19 (A) The break lasts no longer than 15 minutes and  
20 there is no more than one break per hour.

21 (B) Immediately prior to the break the crane  
22 operator informs the apprentice of the specific tasks  
23 that the apprentice is to perform and limitations that  
24 he or she is to adhere to during the crane operator's  
25 break.

26 (C) The specific tasks that the apprentice will

1 perform during the crane operator's break are within  
2 the apprentice's abilities.

3 (D) The apprentice may not operate the equipment in  
4 any of the following circumstances:

5 (i) If any part of the crane, load line, or  
6 load, including rigging and lifting accessories,  
7 if operated up to the crane's maximum working  
8 radius in the work zone could get within 20 feet of  
9 a power line that is up to 350 kV or within 50 feet  
10 of a power line that is over 350 kV.

11 (ii) If the equipment is used to hoist  
12 personnel.

13 (iii) In multiple-crane lifts.

14 (iv) If the equipment is used over a shaft,  
15 cofferdam, or in a tank farm.

16 (v) For multiple-lift rigging, except where  
17 the crane operator determines that the  
18 apprentice's skills are sufficient for this  
19 high-skill work.

20 (c) The Board shall set up appropriate written and  
21 practical testing requirements for each type of license to be  
22 issued. The Board may add additional classifications of  
23 licenses by rule as necessary to meet the changing technologies  
24 in the crane, hoisting, and construction industries.

25 Section 40. Testing. The Department shall conduct

1 examinations of applicants for crane operator's licenses and  
2 for crane operator's apprentice licenses in accordance with  
3 subsection (b) of Section 30 of this Act.

4 Section 45. Renewal of crane operator's license.

5 (a) At the expiration of a crane operator's license, a  
6 licensee may apply for renewal of his or her crane operator's  
7 license. A person is qualified to renew his or her crane  
8 operator's license if he or she meets all of the following  
9 requirements:

10 (1) Has submitted a certified record showing crane  
11 operation of at least 1,000 hours in the 5-year period  
12 immediately preceding the application for renewal or has  
13 passed a practical examination prescribed by the Board. If  
14 applying for renewal of a tower crane license, the  
15 applicant must submit a certified record showing at least  
16 500 hours of operation of a tower crane in the 5-year  
17 period immediately preceding his or her application for  
18 renewal or have passed a practical examination prescribed  
19 by the Board.

20 (2) Has not violated any of the provisions of this Act  
21 for which disciplinary action could be taken.

22 (3) Has passed a written examination prescribed by the  
23 Board.

24 (4) Has taken and passed a United States Department of  
25 Transportation drug test in the 90 days preceding his or

1 her application.

2 (5) Has submitted proof of a current United States  
3 Department of Transportation physical.

4 (6) Does not have a crane operator's license that is  
5 currently revoked or suspended by the Board or by the  
6 comparable licensing body in another jurisdiction.

7 (b) Renewal crane operator's licenses shall be valid for a  
8 period of 5 years after the date of issue.

9 Section 50. Military exemption. The Department shall  
10 reinstate a crane operator's license that expires while a  
11 licensee is in active military service of the United States  
12 upon application to the Department by the licensee within 2  
13 years after termination of the military service, payment of the  
14 annual license fee, and submission of evidence of the military  
15 service. The license shall be reinstated without examination  
16 and without payment of the lapsed renewal fee.

17 Section 55. Fees; Crane Operators Licensing Fund.

18 (a) The Department shall impose the following fees for an  
19 original license certification, replacement license, and for a  
20 renewal license issued under this Act:

21 Original crane operator's license - \$150

22 Each certification - \$50

23 Renewal license - \$100

24 Apprentice crane operator's license - \$75

1 Replacement crane operator's license - \$25.

2 (b) All fees and fines received by the Department pursuant  
3 to this Section shall be deposited into the Crane Operators  
4 Licensing Fund, a special fund created in the State Treasury.  
5 Moneys in the Fund may be used by the Department, subject to  
6 appropriation, solely for the administration of this Act.

7 Section 60. Board.

8 (a) The Crane Operators Licensing Board is created within  
9 the Department and shall consist of the following voting  
10 members appointed by the Secretary:

11 (1) Three members of the Board shall be members of  
12 unions representing operating engineers. These members  
13 shall serve 3-year terms, except that of the initial  
14 members appointed, one shall be appointed for a term of one  
15 year, one for a term of 2 years, and one for a term of 3  
16 years.

17 (2) Two members of the Board shall be representatives  
18 of the construction industry. These members shall serve  
19 3-year terms, except that one of the initial members shall  
20 be appointed for a term of 2 years.

21 (3) One member of the Board shall be a representative  
22 of the crane rental industry. This member shall serve a  
23 3-year term, except that the initial member shall be  
24 appointed for a term of one year.

25 (4) Three members of the Board shall be representatives

1 of the building and construction trades. These members  
2 shall serve 3-year terms, except that of the initial  
3 members appointed, one shall be appointed for a term of one  
4 year, one for a term of 2 years, and one for a term of 3  
5 years. No 2 members appointed under this item (4) may be  
6 from the same craft or trade.

7 (b) Each member shall have experience, knowledge, and  
8 expertise relating to the subject matter of this Act.

9 (c) Board members shall receive no compensation for their  
10 services on the Board, but they may be reimbursed for their  
11 actual expenses in serving on the Board.

12 (d) The Board shall annually elect one of its members as  
13 chairperson, one as vice-chairperson, and one as secretary. No  
14 officer of the Board shall be elected more than twice in  
15 succession to a full term in the same office. Each officer  
16 shall serve until his or her successor has been elected and  
17 qualified. If there is a vacancy in an officer's position, the  
18 remaining Board members shall promptly fill it by appointing a  
19 member of the Board to the vacant position for the unexpired  
20 portion of the term.

21 (e) Five members of the Board shall constitute a quorum. A  
22 vacancy in the membership of the Board shall not impair the  
23 right of a quorum to exercise all the rights and perform all of  
24 the duties of the Board.

25 (f) The Secretary shall promptly appoint a person to fill  
26 any vacancy on the Board for the unexpired portion of the term.

1           (g) No more than 3 members of the Board may be  
2       representatives of the International Union of Operating  
3       Engineers at any one time.

4           (h) The weight thresholds set forth in Section 35 of this  
5       Act for the classifications of cranes may not be reduced by the  
6       Board at any time.

7           Section 65. Grounds for disciplinary action.

8           (a) The Board may refuse to issue or renew or may revoke or  
9       suspend a license or place on probation, censure, or reprimand  
10      a licensee, for one or any combination of the following causes:

11           (1) The practice of any fraud or deceit in obtaining or  
12      attempting to obtain a license.

13           (2) Any gross negligence, incompetence, or misconduct  
14      in the operation of a crane or hoisting equipment while  
15      under the influence of alcohol or another drug.

16           (3) Any gross negligence, incompetence, or misconduct  
17      as an apprentice assisting in the operation of a crane or  
18      hoisting equipment while under the influence of alcohol or  
19      another drug.

20           (4) The entry of any order by any circuit court  
21      establishing that a person holding a license under this Act  
22      is a person subject to involuntary admission under the  
23      Mental Health and Developmental Disabilities Code. The  
24      person may have his or her license restored only upon the  
25      determination by a circuit court that he or she has

1 recovered from the mental illness that subjected him or her  
2 to involuntary admission and upon the determination of the  
3 Board that the license be restored. Where the circumstances  
4 so indicate, the Board may require an examination prior to  
5 restoring any license.

6 (5) Failure to comply with any of the provisions of  
7 this Act or any rules adopted by the Department under this  
8 Act.

9 (6) Revocation or suspension of a license as a crane or  
10 hoist operator or apprentice in another jurisdiction.

11 (7) Failure within 30 days to provide information  
12 requested by the Board as a result of a formal or informal  
13 complaint to the Department that would indicate a violation  
14 of this Act.

15 (b) The Board shall refuse to issue or renew and shall  
16 revoke the license of a licensee who has been determined by the  
17 Board to have more than 3 violations of operating a crane  
18 without possessing a crane operator's license under subsection  
19 (a) of Section 115 or more than 3 violations of assisting in  
20 operating a crane without possessing an apprentice crane  
21 operator's license under subsection (c) of Section 115.

22 Section 70. Crane inspectors.

23 (a) The Department shall employ and the Board shall approve  
24 crane inspectors. Crane inspectors shall have all of the  
25 following powers and duties:

1           (1) To assist the Board in carrying out its duties  
2           under this Act.

3           (2) To periodically inspect cranes.

4           (3) To investigate accidents involving cranes.

5           (4) To inspect job sites to ensure that all crane and  
6           hoisting equipment personnel are duly licensed or  
7           inspected.

8           (5) Crane inspectors shall meet the requirements for an  
9           original crane operators' license under this Act.

10          (6) Crane inspectors shall have the authority to issue  
11          violations under this Act.

12          (b) The Department may employ additional personnel to  
13          assist in enforcing the provisions of this Act.

14          Section 75. Load charts. All cranes, derricks, or hoists  
15          covered under this Act shall have the appropriate legible load  
16          chart for the crane with the crane at all times. Penalties for  
17          a violation of this Section shall be a petty offense punishable  
18          by a fine of not less than \$300 plus costs for a first  
19          violation and \$500 plus costs for a second or subsequent  
20          violation. If a person is injured or killed due to knowingly  
21          operating a crane or allowing the operation of a crane in  
22          violation of this Section, the offending party is guilty of a  
23          Class A misdemeanor.

24          Section 80. Hearing.

1           (a) The Board may upon its own motion, and shall upon the  
2       sworn complaint in writing of any person setting forth charges  
3       that, if proved, would constitute grounds under Section 65 for  
4       refusal, suspension, or revocation of a license, investigate  
5       the actions of any person holding or claiming to hold a  
6       license.

7           (b) The Board shall, at least 10 days prior to the date set  
8       for the hearing and before refusing to issue, suspend, or  
9       revoke any license, notify the applicant or holder of the  
10      license, in writing, of any charges made, and shall afford him  
11      or her an opportunity to be heard in person or by counsel. The  
12      notice may be served by personal delivery to the accused person  
13      or by registered mail to the last place of business specified  
14      by the accused person in the notification to the Agency.

15          (c) At the time and place fixed in the notice, the Board  
16      shall proceed to the hearing of the charges and both the  
17      accused person and the complainant shall be accorded ample  
18      opportunity to present, in person or by counsel, any statement,  
19      testimony, evidence, or argument that may be pertinent to the  
20      charges or to any defense against the charges. The Board may  
21      continue the hearing from time to time. If the Board is not  
22      sitting at the time and place to which the hearing has been  
23      continued, the Department may continue the hearing for a period  
24      not to exceed 30 days, and all parties in interest shall be  
25      given notice in writing of the date and hour to which the  
26      hearing has been continued and the place at which it is to be

1 held.

2 Section 85. Review.

3 (a) All final administrative decisions of the Department  
4 shall be subject to judicial review pursuant to the provisions  
5 of the Administrative Review Law, and all amendments and  
6 modifications thereof, and the rules adopted pursuant thereto.  
7 The term "administrative decision" is defined as in Section  
8 3-101 of the Code of Civil Procedure. The proceedings for  
9 judicial review shall be commenced in the circuit court of the  
10 county in which the party applying for review resides. If the  
11 party is not a resident of this State, the venue shall be in  
12 Sangamon County.

13 (b) The Department shall not be required to certify any  
14 record to the court or file any answer in court or otherwise  
15 appear in any court in a judicial review proceeding unless  
16 there is filed in the court with the complaint a receipt from  
17 the Department acknowledging payment of the costs of furnishing  
18 and certifying the record, which costs shall be computed at the  
19 rate of 20 cents per page of the record. Exhibits shall be  
20 certified without cost. Failure on the part of the plaintiff to  
21 file the receipt with the court shall be grounds for dismissal  
22 of the action.

23 Section 90. Injunction.

24 (a) Operating or assisting in the operation of a crane in

1 this State or offering to operate, assist, or use or to  
2 advertise or otherwise represent to the public any title or  
3 description implying that the person is a crane or hoisting  
4 equipment operator or apprentice by a person who does not  
5 possess a valid and current license under this Act is declared  
6 to be against the public welfare and to constitute a public  
7 nuisance.

8 (b) The Attorney General, the Secretary, the State's  
9 Attorney for any county in the State, or any resident citizen  
10 may maintain an action in the name of the people of the State  
11 of Illinois to perpetually enjoin any person from unlawfully  
12 operating as a crane or hoisting equipment operator or  
13 apprentice and from committing or continuing any such unlawful  
14 act.

15 (c) In all proceedings, the court, in its discretion, may  
16 apportion the costs among the parties interested in the suit,  
17 including the costs of filing the complaint, service of  
18 process, witness fees and expenses, court reporter charges, and  
19 reasonable attorneys' fees. This proceeding is in addition to  
20 and not in lieu of criminal prosecution.

21 Section 95. Penalties.

22 (a) Any person who operates a crane or a hoist in this  
23 State without obtaining an operator's license under this Act  
24 from the Agency shall be guilty of a business offense and for  
25 the first violation shall be fined not more than \$1,000, for a

1 second violation shall be fined not more than \$3,000, and for a  
2 third or subsequent conviction shall be fined not more than  
3 \$5,000.

4 (b) Any employer, contractor or agent who knowingly permits  
5 any individual to operate a crane or a hoist in this State  
6 without the individual possessing a valid operator's license  
7 issued under this Act shall be guilty of a Class A misdemeanor  
8 and may be fined not more than \$1,000 for the first offense,  
9 not more than \$3,000 for the second offense, and not more than  
10 \$5,000 for a third or subsequent offense.

11 (c) Any person who assists in the operation of a crane or  
12 hoist in this State without obtaining an apprentice's license  
13 under this Act from the Board shall be guilty of (i) a petty  
14 offense for the first violation and shall be fined not more  
15 than \$1,000, (ii) a business offense for a second violation and  
16 shall be fined not more than \$3,000, and (iii) a business  
17 offense for a third or subsequent violation and shall be fined  
18 not more than \$5,000.

19 (d) Any employer, contractor or agent who knowingly permits  
20 any individual to assist in the operation of a crane or hoist  
21 in this State without the individual possessing a valid  
22 apprentice's license issued under this Act shall be guilty of a  
23 Class A misdemeanor and may be fined not more than \$1,000 for  
24 the first offense, not more than \$3,000 for the second offense,  
25 and not more than \$5,000 for a third or subsequent offense.

26 (e) It shall be unlawful for any person to threaten,

1     coerce, or intimidate a crane operator into operating a crane  
2     that such person feels is unsafe.

3           (f) Penalties for a violation of this Act not otherwise  
4     stated shall be a petty offense punishable by a fine of not  
5     less than \$300 plus costs for a first violation and \$500 plus  
6     costs for a second or subsequent violation. If a person is  
7     injured or killed due to knowingly operating a crane or  
8     allowing the operation of a crane in violation of this Section,  
9     the offending party is guilty of a Class A misdemeanor.

10           Section 100. Rules.

11           (a) The Department shall exercise the power and duties  
12     prescribed by the Civil Administrative Code of Illinois for the  
13     administration of licensing Acts and shall exercise any other  
14     powers and duties invested by this Act.

15           (b) The Board may adopt rules consistent with the  
16     provisions of this Act, for the administration and enforcement  
17     thereof and may prescribe forms that shall be issued in  
18     connection therewith.

19           Section 105. Accident investigations. Crane inspectors  
20     employed by the Department under this Act shall investigate all  
21     crane accidents resulting in injury to a person, property, or a  
22     crane operated by a licensee under this Act. Inspectors must  
23     submit a report, on forms prescribed by the Department, listing  
24     all of the following:

1 (1) The nature of the accident.

2 (2) Any injuries as a result of the accident.

3 (3) Any damage as a result of the accident.

4 (4) The owner of the crane.

5 (5) The licensee operating the crane and, if not a  
6 licensee, the name of the individual operating the crane.

7 (6) The name of any company, contractor, corporation,  
8 limited liability company, or person that the crane was  
9 leased to or rented by or that the crane operator was  
10 working for on the accident site.

11 (7) The last date of the annual inspection of the  
12 crane.

13 (8) Any failure of a component, attachment, boom, or  
14 structure of the crane.

15 Section 110. Verification of licensees. The Department  
16 must maintain, during normal business hours, a system of  
17 allowing the verification of a licensee's status and  
18 certification.

19 Section 115. Jurisdictional disputes. Nothing in this Act  
20 shall be deemed to resolve, decide, or have any bearing on any  
21 jurisdictional dispute involving any labor organization.

22 Section 120. Documents and records. Any documents or  
23 records required to be kept under this Act shall be made

1 available to the Department or inspectors upon request.

2 Section 125. OSHA compliance. This Act shall be construed  
3 to comply with the requirements and regulations of the federal  
4 Occupational Safety and Health Administration in the licensing  
5 of crane operators by a governmental agency.

6 Section 900. The Regulatory Sunset Act is amended by adding  
7 Section 4.30 as follows:

8 (5 ILCS 80/4.30 new)

9 Sec. 4.30. Act repealed on January 1, 2020. The following  
10 Act is repealed on January 1, 2020:

11 The Crane Licensing Public Safety Act.

12 Section 905. The State Finance Act is amended by adding  
13 Section 5.719 as follows:

14 (30 ILCS 105/5.719 new)

15 Sec. 5.719. The Crane Operators Licensing Fund.

16 Section 999. This Act takes effect upon becoming law.".